

HOUSE BILL REPORT

HB 1852

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to a boater safety education program.

Brief Description: Creating a boater safety education program.

Sponsors: Representatives B. Sullivan, Buck, Williams, Jarrett, Wallace, Appleton, Rodne and Simpson.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/24/05, 2/28/05 [DPS].

Brief Summary of Substitute Bill

- Directs the State Parks and Recreation Commission to establish and implement by rule a required boating safety education program.
- Establishes a mandatory \$10 boater education card to be phased in from 2008 to 2016 for persons 16 years of age and older operating motor boats with 10 horsepower or more.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives B. Sullivan, Chair; Buck, Ranking Minority Member; Dickerson, Eickmeyer, Hunt and Williams.

Minority Report: Do not pass. Signed by 4 members: Representatives Upthegrove, Vice Chair; Kretz, Assistant Ranking Minority Member; Blake and Orcutt.

Staff: Jeff Olsen (786-7157).

Background:

The State Parks and Recreation Commission (Commission) is required to adopt and enforce recreational boating safety rules consistent with United States Coast Guard regulations. The Commission must also coordinate a statewide program of boating safety education using existing programs, when possible, offered by the United States Power Squadron and the United States Coast Guard Auxiliary. Recreational operators of motor driven boats and vessels are not required to complete a boating safety education program prior to operating the

vessel. However, a person under the age of 14 may not operate a personal watercraft on Washington waters.

Senate Bill 5898, passed during the 2003 legislative session, directed the Commission and the Boating Safety Advisory Council to review recreational boating safety accidents and suggest ways in which accidents could be reduced. The Commission and the Boating Safety Advisory Council met four times during the 2003 interim and reviewed statistical information on recreational boating accidents. The primary recommendation of the advisory council is to mandate recreational boater education.

The monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than \$10 and no more than \$500.

Summary of Substitute Bill:

The State Parks and Recreation Commission (Commission) must establish a program to provide required boating safety education. The program must be phased in by age so that all non-exempt boaters are required to obtain a boater education card by January 1, 2016. Beginning January 1, 2008, all boat operators 20 years old and younger must complete the mandatory education, and by January 1, 2016, all boaters will be required to complete the education requirement.

The boating safety education program must include a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard Auxiliary and the U.S. Power Squadrons. Additionally, the program must include an equivalency exam that may be taken as an alternative to the boating safety education course, a \$10 fee to receive the boater education card, and a card replacement fee. The program must also include training on prevention of aquatic invasive species.

In order to operate a motor driven boat or vessel of 10 horsepower or more, other than a personal watercraft, a person must be at least 16 years old and:

- possess a boater education card or a certificate of accomplishment; or
- be accompanied by and under the supervision of a person at least 16 years old who has a boater education card or a certificate of accomplishment.

For personal watercraft, the operator must still possess a boater education card, but may operate the personal watercraft at the age of 14.

Certain individuals are not required to have a boater education card, including persons not yet required to have a card under the phased schedule developed by the Commission, certain nonresident vessel operators, and persons renting a boat that are at least 16 years old who complete a Commission approved motor vessel safety checklist.

The following individuals may pay a \$10 fee and receive a boater education card without taking a course or equivalency exam:

- vessel operators engaged in commercial fishery operations;
- persons with a valid marine operator license issued by the U.S. Coast Guard when operating under the license;
- certain vessel operators engaged in law enforcement or government work; and
- any person who, prior to the effective date of this act, successfully completed a boating safety course substantially equivalent to the standards adopted by the Commission.

However, vessel operators engaged in commercial fishery operations; persons with a valid marine operator license issued by the U.S. Coast Guard; and certain vessel operators engaged in law enforcement or government work are not required to carry a boater education card.

All fees collected for the issuance of a boater safety education card must be deposited in the newly created, non-appropriated Boating Safety Education Certification Account to be used for the administration of the boating safety education program.

A natural resource infraction is established for persons failing to possess a boater education card. The penalty may be reduced if the boater provides proof to the court within 60 days that he or she has received a certificate of accomplishment or boater education card.

Substitute Bill Compared to Original Bill:

The original bill required personal watercraft operators aged under 16 to be accompanied by another rider over the age of 16 and required certain vessel operators who are exempt from the education requirements because of their maritime-based professions to follow the requirements of the bill when boating recreationally.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill addresses long-standing concerns and an accepted need. Stakeholders have been working for a long time to develop a sensible boaters education program, and this bill was drafted by boaters for boaters, and modeled on successful programs in other states. Similar programs exist in 36 other states.

The program is self-funded, and allows the free market to provide the education. Many courses already exist, and these would be used as the base for the program.

As waters get more congested, the risk of accidents increase. Once this bill is understood, boaters always see the value of the education in reducing these risks. Washington is the fourth

highest state in the union for boating accidents, but has no education requirements. Boating has the second highest number of fatalities of all the transportation sectors. That makes it a good place for the state to focus in order to save lives. A vast majority of all boating fatalities involve boaters with no boating safety education.

More people will boat because of this bill. People do things that they are comfortable doing, and this bill will make people comfortable boating. Having educated boaters on the water makes for a more enjoyable boating experience for everyone out on the water. Educated boaters also pay less in insurance.

Testimony Against: None.

Persons Testifying: Representative B. Sullivan, prime sponsor; Viggo C. Bertelsen, United States Coast Guard Auxiliary; Bill Bossard, National Transportation Safety Board; David Kutz, Recreational Boating Association fo Washington; Steve Greaves, Washington Alliance for Mandatory Boater Education; and Michael Campbell, Northwest Marine Trade Association.

Persons Signed In To Testify But Not Testifying: None.